

## **Exhibit 3**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MARC VEASEY, ET AL.,	)	CASE NO: 2:13-CV-00193
	)	
Plaintiffs,	)	CIVIL
	)	
vs.	)	Corpus Christi, Texas
	)	
RICK PERRY, ET AL.,	)	Tuesday, September 9, 2014
	)	(7:58 a.m. to 12:04 p.m.)
Defendants.	)	(1:08 p.m. to 6:25 p.m.)

BENCH TRIAL - DAY 6

BEFORE THE HONORABLE NELVA GONZALES RAMOS,  
UNITED STATES DISTRICT JUDGE

Appearances:	See Next Page
Court Recorder:	Genay Rogan
Clerk:	Brandy Cortez
Court Security Officer:	Adrian Perez
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APPEARANCES FOR:

## Plaintiffs:

CHAD W. DUNN, ESQ.  
KEMBEL SCOTT BRAZIL, ESQ.  
Brazil and Dunn  
4201 Cypress Creek Parkway, Suite 530  
Houston, TX 77068

ARMAND DERFNER, ESQ.  
P.O. Box 600  
Charleston, SC 29402

J. GERALD HEBERT, ESQ.  
Attorney at Law  
191 Somerville Street #405  
Alexandria, VA 22304

NEIL G. BARON, ESQ.  
914 FM 517 Rd. W, Suite 242  
Dickinson, TX 77539

EMMA P. SIMSON, ESQ.  
Campaign Legal Center  
215 E. Street NE  
Washington, DC 20002

Mexican American  
Legislative Caucus,  
et al.:

EZRA D. ROSENBERG, ESQ.  
Dechert, LLP  
902 Carnegie Center, Suite 500  
Princeton, NJ 08540-6531

MARK A. POSNER, ESQ.  
AMY L. RUDD, ESQ.  
GARY BLEDSOE, ESQ.  
SONIA K. GILL, ESQ.  
ERANDI ZAMORA, ESQ.  
Lawyers' Committee for Civil Rights  
1401 New York Ave. NW, Suite 400  
Washington, DC 20005

DANIEL G. COVICH, ESQ.  
802 N. Carancahua, Suite 2100  
Corpus Christi, TX 78401

APPEARANCES FOR:

(CONTINUED)

Mexican American  
Legislative Caucus,  
et al.:

MYRNA PEREZ, ESQ.  
VISHAL AGRAHARKAR, ESQ.  
JENNIFER CLARK, ESQ.  
Brennan Center for Justice  
161 Avenue of the Americas  
12th Floor  
New York, NY 10013

United States  
of America:

RICHARD DELLHEIM, ESQ.  
ELIZABETH S. WESTFALL, ESQ.  
DANIEL FREEMAN, ESQ.  
ANNA BALDWIN, ESQ.  
AVNER SHAPIRO, ESQ.  
MEREDITH BELL-PLATTS, ESQ.  
JOHN SMITH, ESQ.  
PAXTON WARNER, ESQ.  
BRADLEY HEARD, ESQ.  
ROBERT BERMAN, ESQ.  
U.S. Department of Justice  
950 Pennsylvania Ave. NW  
Washington, DC 20530

BRUCE I. GEAR, ESQ.  
Department of Justice  
1800 G Street NW  
Washington, DC 20006

Ortiz Plaintiffs,  
et al.:

JOSE GARZA, ESQ.  
7414 Robin Rest Dr.  
San Antonio, TX 78209

ROBERT W. DOGGETT, ESQ.  
Texas Rio Grande Legal Aid, Inc.  
4920 North IH 35  
Austin, TX 78751

MARINDA VAN DALEN, ESQ.  
Texas RioGrande Legal Aid, Inc.  
531 E. St. Francis  
Brownsville, TX 78520

APPEARANCES FOR:

(CONTINUED)

Texas League of Young  
Voters Education Fund:

RYAN HAYGOOD, ESQ.  
NATASHA KORGAONKAR, ESQ.  
DEUEL ROSS, ESQ.  
LEAH ADEN, ESQ.  
NAACP Legal Def. and Educational Fund  
40 Rector St., 5th Floor  
New York, NY 10006

DANIELLE CONLEY, ESQ.  
KELLY DUNBAR, ESQ.  
M. HASAN ALI, ESQ.  
LYNN EISENBERG, ESQ.  
JONATHAN E. PAIKIN, ESQ.  
RICHARD F. SHORDT, ESQ.  
SONYA LEBSACK, ESQ.  
TANIA C. FARANSSO, ESQ.  
Wilmer Cutler Pickering, et al.  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006

Texas Association of  
Hispanic County Judges  
and County  
Commissioners:

ROLANDO L. RIOS, ESQ.  
115 E. Travis  
Suite 1654  
San Antonio, TX 78205

PRESTON HENRICHSON, ESQ.  
222 W. Cano  
Edinburg, TX 78539

State of Texas:

JOHN BARRET SCOTT, ESQ.  
Deputy Attorney General  
for Civil Litigation  
Office of the Attorney General  
P.O. Box 12548  
Austin, TX 78711

JOHN REED CLAY, JR., ESQ.  
LINDSEY E. WOLF, ESQ.  
JENNIFER ROSCETTI, ESQ.  
G. DAVID WHITLEY, ESQ.  
STEPHEN L. TATUM, JR., ESQ.  
STEPHEN R. KEISTER, ESQ.  
Office of the Attorney General  
P.O. Box 12548  
MC001  
Austin, TX 78711

APPEARANCES FOR:

(CONTINUED)

State of Texas:

BEN A. DONNELL, ESQ.  
Donnell Abernethy Kieschnick  
555 N. Carancahua, Suite 400  
Corpus Christi, TX 78401

WHITNEY DEASON, ESQ.  
JOHN CRAWFORD, ESQ.

Non-Party Senators  
& Non-Party  
Representatives:

ARTHUR D'ANDREA, ESQ.  
Office of the Attorney General  
209 W. 14th Street, 7th Floor  
Austin, TX 78701

DAVID TALBOT, ESQ.

JAMES B. ECCLES, ESQ.  
Office of the AG of Texas  
300 W. 15th Street, 11th Floor  
Austin, TX 78701

ALICE LONDON, ESQ.  
Bishop London Brophy & Dodds  
3701 Bee Cave Rd., Suite 200  
Austin, TX 78746

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Corpus Christi, Texas; Tuesday, September 9, 2014; 7:58 a.m.

Call to Order

**MR. SCOTT:** Good morning. Your Honor, I -- John Scott. I have some information for the Court. I have passed off an Amended Answers to -- or an Amended Answer, but it's part and parcel of the Amended Answers to a 30(b)(6) deposition on written questions to the Department of Public Safety.

Yesterday about 7:00 o'clock Ben notified me that the folks had a question about whether that was 30(b) -- on the 30(b)(6) answer related to Number 35, was as accurate as it needed to be.

**THE COURT:** Okay.

**MR. SCOTT:** One of the issues that's out there in this case is there's about 180,000 people just from a historical perspective we had the Department of Public Safety issue back in July. We notified the Court and the parties about that.

As a result of that Dr. Ansolahehere, I think, did a modified report where he dropped his number down to approximately 600,000. That number went back up to about 180-something -- about 180,000 folks subsequent to the Answers to the deposition on written questions, and then started kind of an interchange between our office and the Department of Justice trying to figure out where that number was based on.

Brian, if you -- and so --



1           **(Counsel confer)**

2           **MR. SCOTT:** The first thing on this list.

3           **MR. FREEMAN:** Your Honor, before anything is  
4 published to the Court, the United States would move to strike  
5 any modification answers to these 30(b)(6) questions under Rule  
6 37(c) which is self-executing.

7           The State of Texas has been asking questions  
8 regarding license surrender fields of various experts during  
9 this trial, and yet on the morning that the Plaintiffs are  
10 going to rest their -- close their case they have provided us  
11 with a paper copy of a modification of these Rule 30(b)(6)  
12 answers.

13           **THE COURT:** What does the modification do?

14           **MR. FREEMAN:** It changes their answer with regard to  
15 the effect of particular license surrender flags. Now  
16 Mr. Scott is referring to 180,000 individuals who were on the  
17 no match list on account of the fact that their driver's  
18 license or other Texas-issued ID card has been surrendered.

19           This changed actually the flags and not card status  
20 and this only affects approximately 20,000 individuals.

21           But under the Fifth Circuit's Decision at CQ Inc v  
22 TXU Mining Code, 565 F3d 268, there's little question that  
23 under Rule 37(c) this should be struck. This information  
24 was --

25           **THE COURT:** What's the bottom line here? What does

1 this modification do?

2 **MR. SCOTT:** So, your Honor --

3 **THE COURT:** -- what are we trying to do?

4 **MR. SCOTT:** Your Honor, in -- I guess, first and  
5 foremost, here's the Depo written questions, the original  
6 version and the Amended Answer.

7 **THE COURT:** So where are we, Number 35?

8 **MR. SCOTT:** 35, yes, ma'am. So I -- I actually  
9 pulled it up --

10 **THE COURT:** Okay.

11 **MR. SCOTT:** -- the top of the page has the answer to  
12 it.

13 **(Pause)**

14 **THE COURT:** So where's the modification, the short  
15 one or the longer one?

16 **MR. SCOTT:** The shorter one, your Honor.

17 **THE COURT:** And what are you adding or subtracting?

18 **MR. SCOTT:** Well, the -- what it ends up being is a  
19 clarification, so surrendered licenses in Texas, if you come  
20 from a -- from another state and you have to hand in your other  
21 license from, if I move from Washington DC to Texas, and I go  
22 to get a license from the Department of Public Safety, you have  
23 to hand in your old license to them, that's a -- that's a  
24 surrender. From that day forward you're on the surrender list.

25 There are also people on the surrender list, they

1 would include people that have convicted -- or certified sex  
2 offenders, so each year they surrender their identification  
3 over to the Department of Public Safety and they're issued a  
4 new one.

5 It includes somebody that's 65 or older, or somebody  
6 who just simply doesn't want to drive anymore and they  
7 surrender their license. It is a broad, broad universe of  
8 stuff.

9 **MR. FREEMAN:** And, your Honor, again, the change only  
10 affects approximately 20,000 people, but the State, at this  
11 late hour, is attempting to prejudice the United States by  
12 claiming that there is also some confusion on  
13 Dr. Ansolahehere's no match list. And so the United States is  
14 simply prejudiced by the fact that they have chosen to wait  
15 over a month, all these months, plural, to disclose this after  
16 Dr. Ansolahehere has already testified.

17 At a minimum the United States would respectfully  
18 request that we be allowed -- that the United States be allowed  
19 to have Dr. Ansolahehere submit a Supplemental Declaration and  
20 that the State of Texas be precluded from attempting to claim  
21 any error or otherwise attempt to impeach Dr. Ansolahehere  
22 based on this late-breaking change.

23 **MR. SCOTT:** So, for the record, it's not -- I learned  
24 yesterday about (indiscernible) and the first thing I do, I  
25 can't control what information I get, when the Department of